

Introduced by Senator Hancock

February 26, 2009

An act to amend Sections 13204, 14287, 15154, and 15208 of the Elections Code, relating to ballots.

LEGISLATIVE COUNSEL'S DIGEST

SB 387, as introduced, Hancock. Ballots: identifying information.

Existing law prohibits a voter from placing any mark upon a ballot that will make the ballot identifiable. Under existing law, a ballot that is not marked as provided by law or that is marked or signed by the voter so that the ballot can be identified by others is required to be rejected. If a ballot is marked in a manner so as to identify the voter, the ballot is required to be marked "Void" and placed in a container for void ballots.

This bill would instead prohibit a voter from placing personal information, as defined, upon a ballot that identifies the voter. The bill would provide that a ballot that contains personal information is not invalid. The bill would delete the requirement that a ballot marked in a manner so as to identify the voter is void and instead require a ballot that contains personal information to be segregated in a specified manner and would require that a duplicate ballot be prepared. By changing the duties of local elections officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13204 of the Elections Code is amended
2 to read:

3 13204. (a) The instructions to voters shall be printed at least
4 three-eighths of an inch below the district designation. The
5 instructions shall begin with the words “INSTRUCTIONS TO
6 VOTERS:” in no smaller than 16-point gothic condensed capital
7 type. Thereafter, there shall be printed in 10-point gothic condensed
8 capital type all of the following directions that are applicable to
9 the ballot:

10 “To vote for a candidate for Chief Justice of California; Associate
11 Justice of the Supreme Court; Presiding Justice, Court of Appeal;
12 or Associate Justice, Court of Appeal, stamp a cross (+) in the
13 voting square after the word “Yes,” to the right of the name of the
14 candidate. To vote against that candidate, stamp a cross (+) in the
15 voting square after the word “No,” to the right of the name of that
16 candidate.”

17 “To vote for any other candidate of your selection, stamp a cross
18 (+) in the voting square to the right of the candidate’s name. [When
19 justices of the Supreme Court or Court of Appeal do not appear
20 on the ballot, the instructions referring to voting after the word
21 “Yes” or the word “No” will be deleted and the above sentence
22 shall read: “To vote for a candidate whose name appears on the
23 ballot, stamp a cross (+) in the voting square to the right of the
24 candidate’s name.”] Where two or more candidates for the same
25 office are to be elected, stamp a cross (+) after the names of all
26 candidates for the office for whom you desire to vote, not to
27 exceed, however, the number of candidates to be elected.”

28 “To vote for a qualified write-in candidate, write the person’s
29 name in the blank space provided for that purpose after the names
30 of the other candidates for the same office.”

31 “To vote on any measure, stamp a cross (+) in the voting square
32 after the word “Yes” or after the word “No.”

33 ~~“All distinguishing marks or erasures~~

1 “Marks or signatures on the ballot that identify the voter are
2 forbidden and make the ballot void.”

3 “If you wrongly stamp, tear, or deface this ballot, return it to the
4 precinct board member and obtain another.”

5 “On vote by mail ballots mark a cross (+) with pen or pencil.”

6 (b) The instructions to voters shall be separated by no smaller
7 than a 2-point rule from the portion of the ballot which contains
8 the various offices and measures to be voted on.

9 SEC. 2. Section 14287 of the Elections Code is amended to
10 read:

11 14287. No voter shall place ~~any mark~~ *personal information*
12 ~~upon a ballot that will make that ballot identifiable.~~ *identifies the*
13 *voter. “Personal information” includes all of the following:*

14 (a) *The signature of the voter.*

15 (b) *The initials, name, or address of the voter.*

16 (c) *A voter identification number.*

17 (d) *A social security number.*

18 (e) *A driver’s license number.*

19 SEC. 3. Section 15154 of the Elections Code is amended to
20 read:

21 15154. (a) Any ballot that is not marked as provided by law
22 ~~or that is marked or signed by the voter so that it can be identified~~
23 ~~by others~~ shall be rejected. The rejected ballots shall be placed in
24 the package marked for voted ballots or in a separate container as
25 directed by the elections official. All rejected ballots shall have
26 ~~written thereon~~ *on the ballot* the cause for rejection and be signed
27 by a majority of processing board members who are assigned by
28 the elections official to process ballots.

29 (b) The following ballot conditions shall not render a ballot
30 invalid:

31 (1) Soiled or defaced.

32 (2) Two or more impressions of the voting stamp or mark in
33 one voting square.

34 (3) *Contains personal information, as defined in Section 14287.*

35 (c) If a voter indicates, either by a combination of both marking
36 and writing in, a choice of more names than there are candidates
37 to be elected or nominated for any office, or if for any reason the
38 choice of the voter is impossible to determine, the vote for that
39 office shall not be counted, but the remainder of the ballot, if
40 properly marked, shall be counted.

(d) This section applies to all ballots counted pursuant to this chapter and Chapter 4 (commencing with Section 15300).

SEC. 4. Section 15208 of the Elections Code is amended to read:

15208. (a) Each container of ballots shall be opened and its contents removed. The ballots shall be checked to ascertain if the ballots are properly grouped and shall be arranged, if necessary, so that all similar ballots from the precinct are together.

~~Any~~

(b) Any ballot that *contains personal information, as defined in Section 14287, or is torn, bent, or mutilated* shall be segregated in the manner directed by the elections official and a duplicate shall be prepared as provided in Section 15210. ~~Any ballot that is marked in a manner so as to identify the voter shall be marked "Void" and shall be placed in the container for void ballots.~~

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.